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KERALA GAZETTE

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L. A. Bill No. 35 of 1963

NOTIFICATION

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The following Bill together with the Statement of Objects and Reasons, and the Financial Memorandum is published, under Rule 67 of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly.

Legislature Secretariat,
Trivandrum,
20th September 1963.

D. TIRUMALAI,
Secretary,
Legislative Assembly.

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L. A. Bill No. 35 of 1963

THE KERALA ANATOMY (AMENDMENT) BILL, 1963.

A

BILL

to amend the Kerala Anatomy Act, 1957.

Preamble.—Whereas it is expedient to amend the Kerala Anatomy Act, 1957, for the purposes hereinafter appearing;

BE it enacted in the Fourteenth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Kerala Anatomy (Amendment) Act, 1963.

(2) It shall come into force on such date as the Government may, by notification in the Gazette, appoint.

2. *Amendment of the Long Title and Preamble, Act 17 of 1957.*—In the Long Title and the Preamble of the Kerala Anatomy Act, 1957 (Act 17 of 1957), hereinafter referred to as the principal Act, the word "unclaimed" shall be omitted.

3. *Insertion of new section 4A in Act 17 of 1957.*—After section 4 of the principal Act, the following section shall be inserted, namely:—

"4A. *Taking possession of dead bodies with the prior consent of the deceased persons.*—(1) If any person, either in writing at any time or orally in the presence of two or more persons during his last illness, has expressed an unequivocal request that his body be used for the purpose of conducting anatomical examination and, dissection after his death, the party lawfully in possession of his body after his death, may, unless, the said party has reason to believe that the request was subsequently withdrawn, report the fact to the authorised officer and permit the said officer to take possession of the body and hand it over to the authority in charge of a teaching medical institution if it is required by that authority.

(2) Without prejudice to sub-section (1), the party lawfully in possession of the body of a deceased person may permit the authorised officer to take over possession of the body for the purposes aforesaid unless that party has reason to believe:—

(a) that the deceased had expressed an objection to his body being so dealt with after his death, and had not withdrawn it; or

(b) that the surviving spouse or any near relative of the deceased objects to the body of the deceased being so dealt with.

(3) When there is any doubt regarding the cause of death or when for any reason the authorised officer considers it expedient so to do, he shall forward the dead body to the police officer referred to in section 174 of the Code of Criminal Procedure, 1898.

(4) Where any dead body taken possession of by the authorised officer under this section is not required by the authority in charge of a teaching medical institution it shall be returned to the party who was lawfully in possession of the body after death.

(5) No permission shall be given under this section in respect of the body of a deceased person by any person who has been entrusted with the body solely for the purpose of its interment, burial, cremation or disposal otherwise.".

STATEMENT OF OBJECTS AND REASONS

There is no law at present permitting the procurement of the dead body of a person who has expressed an unequivocal request during his lifetime that his body be used for conducting anatomical examination and dissection in teaching medical institutions. The Kerala Anatomy Act, 1957 only provides for the supply of unclaimed dead bodies to these institutions for anatomical examination and dissection. It would therefore be appropriate to make suitable amendments to the Kerala Anatomy Act to provide for the bequest by living persons of their bodies after death for the above purpose. The Bill is intended to achieve the above object.

FINANCIAL MEMORANDUM

Section 4A which is proposed to be inserted by the Bill permits the procurement of the dead body of a person who has expressed an unequivocal request that his body be used for anatomical purposes. The carrying of dead bodies from hospitals, asylums, dispensaries, clinics etc., to the teaching medical institutions of the State will entail expenditure towards transport charges. The approximate expenditure that will be so incurred is estimated at rupees two thousand a year.

M. P. GOVINDAN NAIR